



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Richard David Davis

Examiner: Nguyen, Phung

Serial No.: 10/064,574

Group Art Unit: 2632

Filed: July 28, 2002

For: METHOD OF POLYMERIZING VINYL CHLORIDE
MONOMER USING AN ORGANOCOBALT (III) CATALYST

The Commissioner of Patents
and Trademarks
Alexandria, VA 22313

BRIEF OF APPELLANT

Sir:

This is an appeal from the Final Rejection of the Examiner dated January 30, 2004, rejecting Claims 1 to 20.

(1) Real Party In Interest

The real party in interest is the inventor, Richard David Davis.

(2) Related Appeals and Interferences

There are no related appeals or interferences.

(3) Status of Claims

Claims 1 to 20 were filed with the application.

Claims 1 to 20 were finally rejected by the Examiner and are

appealed.

(4) Status of Amendments

No amendment was filed after the Final Rejection.

(5) Summary of the Invention

Appellant's pet locating system has a transmitter that is operated by the owner of a pet and a receiver that is attached to the pet. (Paragraph [0012], lines 1 to 2, and Claim 1) The receiver has a microphone in it so that the owner can record a command in his own voice to his pet.

(Paragraph [0014]) If the pet becomes lost, the owner send a signal from the transmitter to the receiver, which turns on the recording so that the pet hears its owner's voice say something like, "Rover, come home!:"

(Paragraph [0004]) The receiver is also equipped with lights that the owner can turn on by sending a signal from the transmitter so that he can locate his pet at night. (Paragraph [0004])

(6) Issues

I. Are Claims 1 to 4, 6 to 10, 18, and 20 obvious over Friedman in view of Bowling under 35 U.S.C. §103(a)?

II. Are Claims 5, 11 to 17, and 19 obvious over Friedman in view of Bowling and further in view of Bonge, Jr. under 35 U.S.C. §103(a)?

(7) Grouping of Claims

Claim 10 does not stand or fall with the remaining claims because it requires speaking a command into a microphone, which is not obvious over the cited art.

(8) Argument

I. Claims 1 to 4, 6 to 10, 18, and 20 were rejected under 35 U.S.C. § 103(a) as obvious over Friedman in view of Bowling.

As the Examiner notes, Friedman does indicate that his system can be used for pets. However, it is primarily designed to be used on children who may be abducted (column 1, line 16, to column 2, line 68) and for that reason it not well suited for use on pets such as dogs.

In particular, in Friedman's system the voice that is broadcast by the receiver is intended to be heard by people in the vicinity, not by the person wearing the device. If a child is wearing the device, the message that is broadcast is something such as, "Help, I'm lost. My parents are now looking for me and only they can shut this unit off." (See Column 11, lines 24 and 25, of Friedman.) If a disabled person is wearing the device, the message that is broadcast is something such as, "Help, I'm lost. Please wait with me and keep me from harm until my caretaker finds me and turns this unit off." (See column 12, lines 58 to 60, of Friedman). Or, "My caretaker has set off this alarm and is looking for me now. I may be confused but will not harm anyone. Please wait with me." (See Column 12, lines 60 to 62, of Friedman.) These messages are

not directed at the person wearing the device. They are directed at people in the vicinity of the person wearing the device.

In contrast, Appellant's recorded message is directed at the pet that is wearing Appellant's device. An example of a message that might be used on Appellant's device is, "Rover, go home." Or, "Spot, come here."

Because the messages recorded on Appellant's device are directed at the pet wearing the device and not at people in the vicinity, it is critical that the pet recognize the voice on the recording. A dog, for example, will not obey a command unless it is spoken by its master. All of Appellant's claims therefore require a microphone and electronic means for making a recording of a command spoken by a human voice into that microphone. As the Examiner acknowledges (final rejection, page 3, line 6), there is no microphone in Friedman's device and all of the recordings are generated by speech synthesizers (column 11, lines 38 to 46). Since Friedman's messages are directed at people who have no need to recognize the voice that is speaking, it is not obvious to use a microphone and actually record a spoken message in Friedman, as all of Appellant's claims require.

The Examiner has cited Bowling to show a microphone. Bowling shows a device that is attached to a pet. The device contains a recorder on which the pet's owner can record a message. Like Friedman, however, the message is not directed to the pet wearing it, but to a person who finds the pet, should it become lost. When the pet is found, the person who finds it opens the lid of Bowling's device and a recorded message is heard that asks the finder to contact a

national registry system for the identification and retrieval of lost pets (column 7, lines 24 to 27). In that way, the finder is put into contact with the pet's owner. The owner of the pet has no transmitter and cannot transmit a signal to the device to turn on the recording.

The Examiner argues that it would be obvious to use "the microphone of Bowling in the system of Friedman" because it "would provide more convenient (sic) by allowing the user to record any message at any location as desired." However, to do that would defeat one of the objects of Friedman's invention. As Friedman explains (column 12, lines 38 to 43), he does not want anyone to be able to turn off the alarm: "It will be appreciated that by arranging the alarm unit 50 so that once activated it can be deactivated only by operating the guardian's unit 10 [the transmitter], it becomes more difficult for a potential abductor to silence the alarm unit 50 and avoid the attention of others in the vicinity of the person or child who is wearing the unit." One of Friedman's synthesized messages even says, "My parents are now looking for me and only they can shut this unit off." (Emphasis added, column 11, lines 24 to 25.) In Bowling's device, there is no remote transmitter and the voice is turned on only when the device is opened and the voice is shut off when the lid is closed. (Opening lid 12 turns on playback switch 62 and closing lid 12 turns off playback switch 62.) Thus, a child abductor could simply not open lid 12 and there would be no voice or, if he opened lid 12 and heard a voice, he could simply close lid 12 again to turn off the voice. That would completely defeat the primary object of Friedman's invention, which is to protect a child from an abductor. For that reason, it is not obvious to

combine these references.

Appellant's Claim 10 does not stand or fall with the remaining claims in this rejection because Claim 10 requires speaking at least one command into a microphone. There is no microphone in Friedman's device and, in Bowling's device, commands are not spoken into the device. Rather, the finder is requested to call a national directory for missing pets. Bowling would not want commands on his recorder as that may offend the person who finds the pet and cause them to refuse to help.

II. Claims 5 and 11 to 17, and 19 were rejected under 35 U.S.C. 103(a) as obvious over Friedman in view of Bowling and further in view of Bonge, Jr. Friedman and Bowling have been discussed and the arguments made hereinabove concerning those references apply to this rejection as well.

The Examiner argues that it would be obvious "to utilize the teaching of Bonge, Jr. in the system of the combination" [Friedman plus Bowling]. However, Bonge's device uses ultrasound while Friedman uses radio waves. The devices are therefore incompatible and Bonge's device cannot be used in Friedman's device without completely re-engineering it to respond to ultrasound instead of to a radio transmission. The references suggest no reason for doing that. Indeed, since ultrasound does not carry far and does not go around corners, it would be disadvantageous to use ultrasound in Friedman's device.

As the Examiner notes, "Friedman and Bowling do not teach broadcasting two signals, one to turn on the recording and another to turn on the light." (Final

rejection, page 4.) The two signals sent by Bonge's device are a warning tone and a shock to the animal wearing the receiver. Friedman would very likely not want to shock a child, so only certain teachings of Bonge, Jr. would have to be incorporated into Friedman, and the Examiner is picking and choosing only the concept of using two separate signals and not the entire teachings of Bonge, Jr..

Appellant does not agree that it is obvious to modify Friedman by incorporating the teachings of Bonge, Jr. so that Friedman's device would broadcast two signals, one to turn on the Friedman's recording and the other to turn on Friedman's light. The purpose of Friedman's device is to alert people in the vicinity that the person wearing the device is lost. Friedman wants to attract attention to that person and turning on both the recording and the lights is the best way to do it. It would serve no useful purpose for Friedman to be able to separately turn on the recording and the lights and it would add to the cost of the device. Therefore, it is not obvious to combine Bonge's teachings with Friedman.

For these reasons, it is submitted that Appellant's invention is not obvious over the references cited. The Board is therefore requested to reverse the Examiner and allow Claims 1 to 20.

Respectfully submitted,

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For Appellants

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May 3, 2004

(9) Appendix

1. A system for sending messages to a pet comprising

(A) a transmitter that comprises

- (1) broadcasting means for broadcasting signals; and
- (2) control means for turning said broadcasting means on and off; and

(B) a receiver attachable to said pet that can receive said signals and comprises

- (1) a microphone;
- (2) electronic means for making at least one recording of a command spoken by a human voice into said microphone;
- (3) a switch for turning said electronic means on and off;
- (4) an amplifier for amplifying said recording; and
- (5) a speaker for converting said recording into sound.

2. A system according to Claim 1 wherein said receiver is part of a collar that fits around the neck of said pet.

3. A system according to Claim 2 wherein said pet is a dog.

4. A system according to Claim 1 wherein said receiver includes at least one light controlled by a signal.

5. A system according to Claim 4 wherein said broadcasting means can broadcast at least two signals, one to turn on said recording and another to turn on said light.

6. A system according to Claim 1 wherein said transmitter is powered by at least one battery.

7. A system according to Claim 1 wherein said receiver is powered by at least one battery.

8. A system according to Claim 1 wherein said signals are encoded and are decoded by said receiver.

9. A system according to Claim 1 wherein said signals are radio signals.

10. A method of sending messages to a pet using a system according to Claim 1 comprising turning said electronic means on, speaking at least one command into said microphone, and turning said broadcasting means on.

11. A system for sending messages to a pet and for locating a pet comprising

(A) a transmitter that comprises

(1) broadcasting means for broadcasting a radio sound signal

and a radio light signal;

(2) control means for turning said broadcasting means on and off; and

(3) at least one battery for powering said transmitter; and

(B) a receiver in the form of a collar that comprises

(1) at least one light;

(2) a microphone;

(3) electronic means for receiving said signals and for making a digital recording of a command spoken by a human voice into said microphone;

(4) a switch for turning said electronic means on and off;

(5) means for turning on said recording when a sound signal is received;

(6) means for amplifying said recording; and

(7) a speaker for converting said amplified recording into sound;

(8) means for turning on said at least one light when a light signal is received; and

(9) at least one battery for powering said receiver.

12. A system according to Claim 11 wherein said signals are encoded and said receiver includes a decoder for decoding them.

112 13. A method of sending messages to a pet using a system according to Claim 11 comprising turning said electronic means on, speaking at least one command into said microphone, and broadcasting a sound signal on said transmitter.

112 14. A method of locating a pet using a system according to Claim 11 comprising broadcasting a light signal on said transmitter.

15. A system for sending messages to a dog and for locating a dog comprising

(A) a transmitter that comprises

- (1) broadcasting means for broadcasting at least two encoded radio signals, including a sound signal and a light signal;
- (2) control means for selecting and broadcasting a particular signal; and
- (3) at least one battery for powering said transmitter; and

(B) a receiver inside a collar suitable for placing around the neck of said dog, where said receiver comprises

- (1) means for receiving said encoded radio signals;
- (2) means for decoding said encoded radio signals;
- (3) a microphone;
- (4) electronic means having at least two channels for making digital recordings of commands spoken by a human voice into said microphone;

*
?

- (5) a switch for turning said electronic means on and off;
- (6) means for amplifying said recording;
- (7) a speaker for converting said amplified recording into sound;
- (8) means for turning on said recording when a sound signal is received;
- (9) at least one light emitting diode;
- (10) means for turning on said at least one light emitting diode when a light signal is received; and
- (11) at least one battery for powering said receiver.

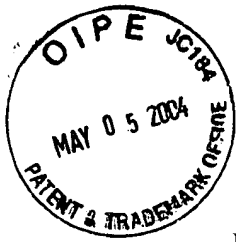
112 16. A method of sending messages to a pet using a system according to Claim 15 comprising turning said electronic means on, speaking at least one command into said microphone, and broadcasting a sound signal on said transmitter.

112 17. A method of locating a pet using a system according to Claim 15 comprising broadcasting a light signal on said transmitter.

18. A system according to Claim 1 wherein said recording is digital.

112 19. A system according to Claim 1 wherein said electronic means has at least two channels for recording commands.

20. A system according to Claim 2 wherein an antenna is inside said collar.



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On: May 3, 2004

By: Richard D. Fuerle

Signature:

Date of Signature: May 3, 2004

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LETTER

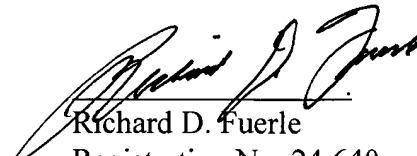
Sir:

Attached hereto are three copies of Appellant's Brief.

A check in the amount of \$165.00 made payable to the Commissioner of Patents is enclosed for the fee for the Brief.

No oral hearing is requested.

Respectfully,


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